

PATENTREMARKS

Claims 1-14 and 29-45 are currently pending in this application. In the outstanding Office action dated June 9, 2004 claims 1, 5, 6, 9-14 and 28 were ~~rejected~~ and claims 2-4, 7, 8 and 29-45 were objected for being dependent upon a ~~rejected base~~ claim. Reconsideration is respectfully requested in light of the above claim amendments and following remarks.

The Examiner objected to claims 2-4, 7, 8 and 29-45 as being dependent upon a rejected base claim. The Examiner indicated, however that the objected to claims would be allowable if rewritten in Independent format, including all of the limitations of the base claim and any intervening claims. Applicants have rewritten objected to claims 2, 7, 8 and 29 in independent form to include all of the limitations of their corresponding base claim and any intervening claims. Applicants therefore respectfully submit that claims 2, 7, 8 and 29 are allowable. Applicants further submit that claims 3, 4 and claims 30-37 that depend directly or indirectly from Independent claim 2 and claim 29 respectively are allowable as are claims 2 and 29 and for additional limitations recited therein.

The Examiner rejected claims 1, 5, 6, 9-14 and 28 under 35 U.S.C. §102(e) or in the alternative under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,574,511 to Lee. Applicant respectfully traverses this rejection.

Applicant has cancelled independent claim 28 so that this rejection as applied to claim 28 is moot. Further, independent claim 1, as amended, recites a system for use with implantable cardiac stimulation devices comprised in part by a programmer backup system coupled to the plurality of programmers and operative to backup and synchronize information used by the programmers. The programmer backup system is further operative to transmit the synchronized information to the plurality of programmers. Applicant respectfully submits that Lee does not disclose or suggest the recited claim elements.

Rather, Lee discloses a passive data collection system having programmers enabled to interrogate and exchange data with one or more implantable medical when they come within telemetry or wireless communication range. The programmers of Lee

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also interrogate and exchange data with each other when placed within a telemetry or wireless communication range. Subsequently, when a programmer is connected to the main server collected data is uploaded to the server. Collected data may indicate that one of the programmers does not have the most current software revision. When this information is uploaded to the server, the Institution that "owns" the programmer is automatically notified of this fact and advised to have the software updated. (Lee, Col. 4, lines 16-30).


Lee does not however disclose or suggest a programmer backup system being operative to transmit the synchronized information to the plurality of programmers as recited in claim 1 of the present invention. Accordingly, applicant respectfully submits that claim 1 is novel and unobvious over Lee and is therefore allowable. Applicant further submits that claims 5, 6, 9-14 and 38-45 that depend from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

In light of the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date



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